

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI**

**DIVISION: 6**

**By HON. WARREN R. DARROW**

**CASE NO. P1300CR20081339**

**JEANNE HICKS, CLERK**

**By: Heather Smith, Deputy Clerk**

**DATE: September 15, 2010**

**FILED**

**DATE: 09/15/10**

**8:46 O'Clock A.M.**

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**

**Deputy**

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

**Vs.**

**STEVEN CARROLL DEMOCKER**

(D-1)

(Defendant)

**COUNSEL:**

**Yavapai County Attorney (e)**

(For Plaintiff)

**John Sears (e)**

**Larry Hammond & Anne Chapman (e)**

**OSBORN MALEDON, P.A.**

(For Defendant)

**HEARING ON:**

Jury Trial – Day 49

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 8:46 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

At 8:46 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Counsel for Defendant addresses the witness schedule for today. Counsel received an updated list of witnesses for this week and indicates, the list has been changed and Defense is not prepared to cross-examine either witness today.

Counsel for State indicates, due to some changes in schedules of the witnesses, State had to change the witness list. Counsel for State is willing to not call all of the witnesses today based upon the Defendant's objection.

Counsel further discuss scheduling and exhibits.

At this time, Court will continue with the witnesses scheduled and will discuss the issues at a later time.

\*\*\*\*\* Recess at 9:04 a.m. \*\*\*\*\*

At 9:06 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Cheryl Hatzopoulos is sworn and testifies.

Counsel for State moves for the admission of exhibit 3268. Counsel for Defendant has no objection. Exhibit 3268 is admitted.

Court offers questions from the jury panel. Court notes, there are no questions for this witness.

Witness is excused.

Detective Steven Surak is sworn and testifies.

Counsel for State moves for the admission of exhibits 272, 273 and 274. Counsel for Defendant has no objection. Exhibits 272, 273 and 274 are admitted.

Counsel for State moves for the admission of exhibit 380. Counsel for Defendant has no objection. Exhibit 380 is admitted.

Counsel for State moves for the admission of exhibit 381. Counsel for Defendant has no objection. Exhibit 381 is admitted.

Counsel for State moves for the admission of exhibit 382. Counsel for Defendant has no objection after conducting *voir dire*. Exhibit 382 is admitted.

Counsel for State moves for the admission of exhibit 383. Counsel for Defendant has no objection. Exhibit 383 is admitted.

Counsel for State moves for the admission of exhibit 384. Counsel for Defendant has no objection. Exhibit 384 is admitted.

Counsel for State moves for the admission of exhibit 385. Counsel for Defendant has no objection. Exhibit 385 is admitted.

Counsel for State moves for the admission of exhibit 3265 as a demonstrative exhibits. Counsel for Defendant indicates, the exhibit has previously been admitted as a demonstrative exhibit.

The Court reminds the Jury Panel of the admonition. The Jury Panel shall return in 20 minutes. At 10:30 a.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain, outside the presence of the Jury Panel.

Parties discuss the purpose of demonstrative exhibits.

Counsel for State would like the demonstrative exhibits to be provided to the Jury Panel during deliberations.

Counsel for Defendant believes the demonstrative exhibits are only for the purpose of testimony and shall not be provided to the Jury Panel during deliberations.

Court will consider the issue over time and will order on that issue later.

\*\*\*\*\* Recess at 10:39 a.m. \*\*\*\*\*

At 10:55 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Steven Surak resumes testifying, having previously been sworn.

Counsel for State again moves for the admission of exhibit 3265 as a demonstrative exhibit. Counsel for Defendant has no objection.

Exhibit 3265 is again admitted for demonstrative purposes.

Counsel for State moves for the admission of exhibit 454. Counsel for Defendant has no objection after conducting *voir dire*. Exhibit 454 is admitted.

Court notes, this is the time for the lunch recess. Court reminds the Jury Panel of the admonition. The Jury Panel shall return at 1:30 p.m.

At 11:56 a.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Counsel for Defendant is requesting copies of text messages to be used during this afternoons testimony. Counsel for State indicated this morning; it would have the copies for Counsel during the lunch hour.

If Counsel which to address any legal issues, they shall be back by 1:15 p.m., otherwise; Counsel shall return at 1:30 p.m.

\*\*\*\*\* Lunch Recess at 11:58 a.m. \*\*\*\*\*

At 1:15 p.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Counsel for Defendant addresses the text messages to be used this afternoon. Counsel has not yet received her copies.

Counsel for State only intends to use about 10 messages and is having the messages copied right now.

Court will allow the evidence as long as it pertains to the issues, Defense must be able to review the messages prior to the testimony. If there is a showing of prejudice, the Court will take that issue up at a later time.

Court addresses the test results of another witness.

At this time, Counsel for State indicates it has no further test results to disclose.

\*\*\*\*\* Recess at 1:37 p.m. \*\*\*\*\*

At 1:40 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Steven Surak resumes testifying, having previously been sworn.

Counsel for Defendant moves for the admission of exhibit 3271. Counsel for State has no objection. Exhibit 3271 is admitted.

Court offers questions from the Jury Panel.

Court and Counsel meet at sidebar, off the record, to discuss questions from the Jury Panel.

Court relays the questions to the witness.

Court is informed, the exhibit referred to and shown to the Jury Panel of 2215 has not been admitted.

Counsel for Defendant moves for the admission of exhibit 2215. Counsel for State has no objection. Exhibit 2215 is admitted.

Witness is excused.

Elizabeth Yefimob Minard is sworn and testifies.

Counsel stipulate to the contents of exhibits 3256, 3257 and 3258. Based upon the stipulation, exhibits 3256, 3257 and 3258 are admitted.

Court notes, this is the time for the afternoon recess. Court reminds the Jury Panel of the admonition. All parties shall return in 20 minutes.

\*\*\*\*\* Recess at 2:45 p.m. \*\*\*\*\*

At 3:13 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Elizabeth Yefimob Minard resumes testifying, having previously been sworn.

Court takes a 10 minute recess to discuss questions from the Jury Panel. The Jury Panel shall return in 10 minutes.

At 3:38 p.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Parties discuss questions from the Jury Panel.

At 3:56 p.m., the Jury Panel enters the Courtroom.

Court relays the questions to the witness.

Witness is excused, however; is subject to recall.

Patrick Dewayne Smith is sworn and testifies.

Counsel for State moves for the admission of exhibit 642. Counsel for Defendant has no objection. Exhibit 642 is admitted.

Court offers questions from the Jury Panel.

Court notes, there are no questions for this witness.

Witness is excused.

Detective Paul Alan Lindvay is sworn and testifies.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel.

Court notes, this is the time for the evening recess. All parties shall return tomorrow morning at 9:00 a.m. Court reminds the Jury Panel of the admonition.

At 4:50 p.m., the Jury Panel exits the Courtroom.

\*\*\*\*\* Recess at 4:57 p.m. \*\*\*\*\*

At 4:57 p.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Court indicates the rest of today's proceedings will be under seal.

Court directs Counsel to be present at 8:30 a.m. tomorrow morning to discuss legal issues.

Court adjourns at 5:20 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records (e)  
Victim Services (e)  
John Napper, Counsel for Renee Girard(e)  
Division 6